

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DENNIS MARIC,

Plaintiff,

v.

CIV 15-0674 KBM/LAM

QUAY COUNTY, et al.,

Defendants.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

THIS MATTER is before the Court on the pro se Plaintiff's failure to respond to the Order to Show Cause entered February 22, 2016. In that Order, I advised that Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 90 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Plaintiff filed this action on August 3, 2015 (*Doc. 1*). The record still reflects that none of the Defendants have been served, nor has Plaintiff shown good cause for the failure to serve. See Fed. R. Civ. P. 4(m). I further cautioned Plaintiff that I am contemplating dismissing this action without prejudice for failure to prosecute and would dismiss this action Plaintiffs failed to respond to that Order by March 4, 2016. See *AdvantEdge Bus. Group v. Thomas E. Mestmaker & Associates, Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009). Nothing in the record indicates that Plaintiff failed to receive a copy of that Order. Thus, it appears that Plaintiff, who has consented to me presiding in this action and entering final judgment, see *Doc. 4*, manifests a lack of interest in litigating this matter.

Wherefore,

IT IS HEREBY ORDERED that this action is **dismissed without prejudice**.


UNITED STATES CHIEF MAGISTRATE JUDGE
Presiding by Consent of Plaintiff